IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6514/2006

Vimal Kumar Singh s/o H. W. Singh,
aged 56 years, Occ. Service,
r/o 15/A, New Verma Layout, Nagpur.

.....**PETITIONER**

...V E R S U S...

1. Prasar Bharti Board Broadcasting
Corporation of India, through
Chief Executive Officer, PTI Bldg.,
Parliament Street, New Delhi.

2. Director General,
Engineer-in-Chief, All India Radio,
Akashvani Bhavan, New Delhi.

3. Chief Engineer C-I,
Civil Construction Wing,
All India Radio, Soochana Bhawan,
Lodhi Road, New Delhi.

4. Chief Vigilance Commissioner,
Chief Vigilance Office, INA Market,
New Delhi.

5. Shri S. K. Mohindra,
Chief Engineer (C) -I,
Civil Construction Wing,
All India Radio, 5th Floor,
Soochana Bhavan, L odhi Road,
New Delhi.

6. Shri K. N. Manjunatha,
Superintending Engineer (E)
Civil Construction Wing,
All India Radio, 11th Floor,

Soochna Bhawan, CGO Complex,
New Delhi – 110 003.

7. Shri K. Ponniah,
Superintending Surveyor of Works
(C) -I Civil Construction Wing,
All India Radio, Lodhi Road,
New Delhi – 110 003.

.....**RESPONDENTS**

Mr. M. M. Sudame, Advocate for the petitioner.
Mrs. A. P. Shinde, Advocate for the respondents.

CORAM:- A. H. JOSHI & R. C. CHAVAN, JJ.
DATE:- **2nd July, 2007**

ORAL ORDER (Per:- R. C. CHAVAN, J.)

1. The petitioner takes exception to the order issued by respondents on 13.12.2006 transferring him to Kolkata.

2. The petitioner is serving as Superintending Engineer with Prasar Bharti and heads the Civil Construction Wing at All India Radio, Nagpur. According to the petitioner, he had uncovered violations, which had caused loss of Lacs of rupees to the exchequer. He claims to have sent such letter on 05.09.2006. The petitioner also demanded enquiry by the Central Vigilance Commission by his letter dated 14.11.2006. On 27.11.2007, the petitioner requested the Central Vigilance Commission to register complaint

in the matter. According to the petitioner, his transfer order dated 13.12.2006 is sequel to his complaint against the departmental bosses and smacks of *malafides*. He further alleges that his transfer order by the Chief Engineer was bad inasmuch as the Chief Engineer did not have the power to transfer the petitioner. The petitioner claims that he could have been transferred only by the Prasar Bharti Board and since no such orders of the Board are shown, the transfer ought to be quashed.

3. Upon notice, the respondent Nos. 1 to 3 filed reply stating that the petitioner's transfer had nothing to do with the complaint made by him, which have been separately examined and necessary action in the matter is being taken. The petitioner was stated to be in Nagpur from 05.10.1999 i.e. for over seven years against the four years normal tenure. It was stated that absence of a Superintending Engineer at Kolkata had resulted in representations and agitations by the employee's association at Kolkata. It was, therefore, decided to post the petitioner at Kolkata. Office of the Superintending Engineer, Nagpur was itself shifted lock stock and barrel, to the Headquarters at Delhi, considering the workload at Delhi and, therefore, there are no malafides in the petitioner's transfer. The petition was also assailed on the ground that the petitioner should have approached the

Central Administrative Tribunal but had unnecessarily rushed directly to this Court.

4. We have heard learned Advocates for the parties and have considered the rival submissions made. Since, the petitioner was in Nagpur since 1999 i.e. about seven years, he cannot have any grievance about his transfer. In any case, the Office at Nagpur itself has been shifted to the Headquarters at Delhi. Due to non availability of the post of Superintending Engineer at Nagpur, there is no question of accommodating the petitioner at Nagpur. The question as to where the Office should be located is the one of convenience of the respondent Authority and, therefore, cannot be gone into at the instance of the petitioner in this petition. The complaints made by the petitioner and his transfer coming within two months thereafter, may be a mere coincidence.

5. As regards the absence of Authority in the Officer, who ordered transfer, Annexure VII – the order of transfer – shows that it had been issued with the approval of the competent Authority. The petitioner sought to draw parallel with cancellation of transfer of one Shri Mukesh Sharma by Chairman of the Prasar Bharti Board. The Chairman had cancelled Shri Mukesh

Sharma's transfer overruling the transfer order by the Executive Member. From this, it does not, however, follow that the petitioner's transfer was not authorised by the appropriate Authority or that, therefore, it suffers from vice of having been issued by an Authority not competent to issue it.

6. In view that, since the petitioner has not demonstrated that his transfer was *malafide* or was ordered by a person without authority, the order does not call for interference in exercise of writ jurisdiction of this Court. Consequently, the writ petition is dismissed with no order as to the costs.

JUDGE **JUDGE**

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